

REMARKS

Claims 1 and 3-9 are presented for consideration, with Claims 1 and 7-9 being independent.

All of the claims currently stand rejected under 35 U.S.C. §103 as allegedly being obvious over Iyer '480.

In the Advisory Action mailed September 20, 2010, the attached Continuation Sheet included Examiner's remarks regarding independent Claims 1, 7, 8 and 9. With respect to Claim 1, in particular, the Continuation Sheet takes the position that "a dendritic framework" would include an ordered array, so long as it is a branched interconnection of pores, and that Applicants disclose "a cubic and hexagonal dendritic framework," relying on Figures 4A and 4B and page 10, line 27 through page 11, line 12, of the specification. These comments were made in support of the rejection of Claim 1 in view of Iyer, which was asserted to show in Figure 1 a highly ordered mesoporous silica structure having a dendritic structure (see Office Action of May 28, 2010, page 3). Applicant respectfully wishes to respond to these comments.

In Claim 1 of Applicant's invention, a mesoporous silica having a plurality of mesopores is comprised of a dendritic framework having mesopores. Additionally, 90% or more of the mesopores observable in a 500 nm × 500 nm area pass through the framework in a direction perpendicular to a longitudinal direction of the framework.

Applicants disclose a dendritic framework 12, for example, in Figure 1A, with Figure 1B showing an enlarged portion of the framework 12, and Figure 1C showing an enlarged view of a surface 14 of the framework 12 (see page 8, line 27 through page 9, line 3). In Figures 1B and

1C, mesopores 13 are shown to pass through the framework 12 (see page 9, lines 4-6). With respect to Figures 4A and 4B, however, these figures show a configuration of the mesopores 13 as shown in Figure 1C but do not represent a configuration of the dendritic framework (see page 11, lines 2-7). It is respectfully submitted, therefore, in response to the comments in the continuation sheet, that Applicants do not disclose a cubic and hexagonal dendritic framework, but rather illustrate, in Figures 4A and 4B, a matrix or hexagonal mesopore configuration.

In Iyer, a mesoporous silica is used as a sample holder for desorption/ionization mass spectrometry. The mesostructured silica is said to have an ordered arrangement of columnar micelles of surfactant, with the columnar micelles surrounded by silica organized in the form of an array (see Figure 1 and column 4, lines 42-45). Applicants respectfully maintain their position, therefore, that while Iyer discloses a mesoporous silica structure as “an ordered cubic array of interconnected pores” (see column 5, lines 48-50), this is not a dendritic framework. Thus, it is respectfully submitted that Iyer does not teach or suggest a mesoporous silica structure having a dendritic framework as set forth in Claim 1.

Accordingly, for the reasons set forth above as well as the reasons set forth in the Amendment After Final Rejection on August 30, 2010, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is respectfully requested.

Reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200

SDM/rnm